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ESSAY | William Safire

The Fourth Degree

WASHINGTON

"I'd take a lie-detector test any time anybody wants me to," Caspar Weinberger told Barbara Walters on ABC this week.

And what if he failed that test, she asked in an equally innocent tone — would he resign?

"Uh, yes," the Defense Secretary said. "I'm only here to help serve the President, and if I felt that there was something that impeded that, I would certainly not stay."

Cap Weinberger and Ed Meese are this Administration's most avid proponents of polygraphs — machines that measure nervousness and are untruthfully called "lie detectors." They believe the much-expanded use of these machines on government employees and defense contractors will plug leaks.

But in fact, the new reliance on polygraphs poses a new security risk. K.G.B. agents in their all-American "training dachas" preparing to become "illegals" in the U.S. are now learning to control perspiration and heartbeat, to pop a Miltown before testing and to tighten certain muscles before answering, in order to "turn around" polygraph tests. After these spies learn how to fool the machine, they can penetrate to higher levels of classified information. (The C.I.A. may have fallen behind its Soviet counterparts in mastering such bio-feedback techniques.)

Skilled liars can fool the polygraph, and nervous truth-tellers can have their careers jeopardized by the fallible machine, which is why Federal courts do not accept its results as evidence. Why, then, is Mr. Weinberger so eager to routinely hook up thousands of employees?

"Look, everybody in law enforcement knows how inaccurate these things can be," an intelligence source explains, "but that isn't the point. Most people think the machine works, and that scares them into confessing. Its threat is a great deterrent."

So is the rubber hose and bright light that used to be known as the Third Degree. The polygraph, or fear-implanter, is a modern instrument of mental torture: to force it on a suspect is to give him the Fourth Degree. Such threat of torture has no place in the American system of justice.

For years, officials at the Department of Defense who lost sight of the principles of individual freedom they are supposed to be defending, and who gave no thought to the security risk in "clearing" trained liars, pressed for the use of polygraphs on all employees. Senator Henry (Scoop) Jackson at the Senate Armed Services Committee, no foe of a strong defense, always blocked them.

Last year, with Senator Jackson gone and Senator Sam Nunn asleep at the switch, Secretary Weinberger asked for a large-scale "test" of the polygraph, which Congress's Office of Technology Assessment had already found inaccurate and potentially dangerous.

Senator Jeff Bingaman of New Mexico, a former state Attorney General who knew of the polygraph's danger to the innocent, objected. The Pentagon, with then-Chairman John Tower's cooperation, took the junior Senator into camp with a "compromise" yearlong test of 3,500 employees.

The trap was simple: the Pentagon would give the tests, assess its own results, and then decide if the polygraph was a success, to be applied department-wide, to its contractors and ultimately throughout the Government. Can anyone doubt what the self-serving conclusions of such a "test" would be?

As a result, the Defense Department can now "flutter" thousands of scared employees, asking such rat-on-whistle-blower questions as "Do you know of someone who has passed information to the media?"

Of course, the Defense Secretary sees it differently: "This is a useful experiment," he assures me, "perfectly voluntary, and there is no plan I know of other than to report the results to the Congress."

I think he is profoundly mistaken; this is the nose under the tent for the polygraph crowd, and — unless stopped — will lead to the demand that tens of thousands of citizens submit to fluttering as a test of their patriotism. And Mr. Weinberger will continue to say he is merely following the "direction" of Congress.

Chairman Jack Brooks at House Government Operations is not as easy to snooker as Senate Armed Services, and may find a way to have the year-long test reviewed by independent evaluators.

To Mr. Weinberger, this is a "minor matter." Yet machines, as Dr. Frankenstein and Mr. Nixon learned, can turn on their creators. In foolishly promoting trial by machine, the Secretary of Defense poses a danger not only to your liberty and mine, but to his colleagues and himself. □